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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
PACIFIC GAS AND ELECTRIC
COMPANY,
Defendant.

Case No. 14-cr-00175-TEH

**ORDER REGARDING
DEFENDANT'S MOTION TO
EXCLUDE GOVERNMENT
SUMMARY WITNESSES**

On June 3, 2016, Defendant Pacific Gas and Electric Company (“PG&E”) filed a motion to exclude Government summary witnesses Sandra Flores and Philip Villanueva. Dkt. No. 604. The Government opposed this motion in accordance with the Court’s expedited briefing schedule, Dkt. No. 624, and PG&E timely replied in support thereof, Dkt. No. 633.

In its reply, PG&E concedes that the Government’s opposition briefing largely mooted its motion. Specifically, PG&E offers that “if the Court holds the government to its representations, the defendant is willing to withdraw: (1) its present objections to Agent Sandra Flores’s testimony and the associated summary exhibits, (2) its present objections to Philip Villanueva’s summary testimony, and (3) its request to *voir dire* those witnesses.” Dkt. No. 633 at 1. PG&E further offers that “if the government is willing to clarify some of its additional arguments about the overlap between the new summary testimony by Agent Flores and the originally proposed summary testimony by Margaret Felts, [it] may also be willing to agree to Agent Flores’s presence in the courtroom throughout trial.” *Id.*

Accordingly, IT IS HEREBY ORDERED that the Government shall file a supplemental response to PG&E’s reply by **June 12, 2016 at 12:00 PM**. This response shall: (1) confirm or deny the representations upon which PG&E’s withdrawals are

1 conditioned, *see id.* at 2-3; and (2) clarify whether there is any overlap between the new
2 summary testimony by Ms. Flores and the originally proposed summary testimony by Ms.
3 Felts.

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5 **IT IS SO ORDERED.**

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7 Dated: 06/10/16

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THELTON E. HENDERSON
United States District Judge